

January 25, 2002

TO THE HONORABLE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, CA

PLANNING COMMISSION
HEARING OF JANUARY 16, 2002

RE: Telecommunication Amendments, 01-OA-005, -006, -007

Hearing to consider the County of Santa Barbara Planning and Development Department's proposal to amend the County's Zoning Ordinances (Article II, Coastal Zoning Ordinance, Article III, Inland Zoning Ordinance and Article IV, Montecito Zoning Ordinance) to amend the text of the Definitions and General Regulations sections of Articles II, III and IV as they relate to the processing of applications, regulations and development standards for telecommunication facilities; and to accept 97-ND-02 as adequate Environmental Review for Case Nos. 01-OA-005, 01-OA-006 and 01-OA-007 pursuant to Section 15162 of the State Guidelines for Implementation of the California Environmental Quality Act. As a result of this project, significant but mitigable effects on the environment are anticipated in air quality, biological resources, historic/ethnic resources, noise, aesthetic/visual resources and risk of upset/hazardous materials. (Continued from 6/6/01, 8/29/01, 9/17/01, 10/3/01, 10/24/01, and 11/26/01)

Dear Honorable Members of the Board of Supervisors:

At the Planning Commission hearing of January 16, 2002, Commissioner Needham moved, seconded by Commissioner Oberdeck and carried by a vote of 4-0-1 (Tillman abstained) to recommend that the Board of Supervisors:

1. Accept the CEQA Guidelines Section 15162 determination (97-ND-02) as adequate environmental review for the project specified in Attachment F of staff's memo dated January 9, 2002;
2. Adopt the Findings for the proposed amendments specified as follows:
 - a. The proposed amendments will assist Planning and Development in accomplishing a number of its objectives to streamline, clarify and update the land use regulatory process;
 - b. The proposed amendments are in the interest of the general community welfare, since the amendments will clarify, update, and streamline the permit process without compromising community values, environmental quality, or the public health and safety;

- c. The proposed amendments are consistent with the Santa Barbara County Comprehensive Plan and Coastal Plan, and the requirements of State Planning and Zoning Laws; and
 - d. The proposed amendments are consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values.
3. Adopt the attached Resolution and recommend that the Board of Supervisors adopt 01-OA-005, amendments to Article II, specified in Attachment C of staff's memo dated January 9, 2002, as revised at the hearing of January 16, 2002;
 4. Adopt 01-OA-006, amendments to Article III specified in Attachment D of staff's memo dated January 9, 2002, as revised at the hearing of January 16, 2002; and
 5. Adopt 01-OA-007, amendments to Article IV specified in Attachment E of staff's memo dated January 9, 2002, as revised at the hearing of January 16, 2002.

THE FOLLOWING REVISIONS REFLECT III. THE CHANGES WILL BE MADE TO THE RESPECTIVE SECTIONS TO ARTICLES II AND IV.

Page B-2, Section 35-209. Definitions, ANTENNA is amended:

ANTENNA: Any system of wires, poles, rods, horizontal or vertical elements, panel, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves. ~~Antennas shall include devices having active elements extending in any direction, and directional beam type arrays having elements carried by and disposed from generally horizontal booms that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be part of the antenna.~~

Page B-4, Section 35-276. Height, No. 1, last sentence is added:

1. Chimneys; elevator and stair housings; television receiving antennas for individual receiving sets; flag poles; monuments; oil and gas derricks; church spires; wind turbines (subject to provisions of Sec. 35-300, Wind Energy Systems); and similar architectural features and similar structures may be up to 50 feet in height in all zone districts where such excess heights are not prohibited by the F Airport approach Area Overlay District. No such structure shall be employed for any commercial or advertising use unless specifically allowed by the applicable zone district or general regulations. Antennas and associated equipment may be located within the architectural projections.

Page B-9, Section 35-292h.3, Processing, No. 1.a.6 is amended:

6. The facility is located a minimum of ~~50~~ 300 feet from the nearest existing residence, residentially zoned parcel, licensed day care facility or educational facility.

Page B-9, No. 1.b.2 is amended:

2. The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., streetlight standard), which is not being considered for removal, as determined by Planning and Development, located within a road right-of-way. No more than two antennas shall be mounted on a single utility pole or similar structure unless it is determined that there will not be a negative visual impact. If at a later date the utility poles are proposed for removal as part of the undergrounding of the utility lines, the permit for the very low power facilities shall be null and void.

Page B-11, No. 2.b.4 is amended:

4. The base of any new freestanding antenna support structure shall be set back from any residentially zoned parcel a distance equal to the five times the height of the antenna and antenna support structure, or a minimum of ~~200~~ 300 feet, whichever is greater.

Page B-12, No. 3.a.4 is amended:

4. The base of any new freestanding antenna support structure shall be set back from any residentially zoned parcel a distance equal to the five times the height of the antenna and antenna support structure, or a minimum of ~~200~~ 300 feet, whichever is greater.

Page B-13, No. 4.a.2 is amended:

- 2 The base of any new freestanding antenna support structure shall be set back from any residentially zoned parcel a distance equal to the five times the height of the antenna and antenna support structure, or a minimum of ~~200~~ 300 feet, whichever is greater.

Page B-13, No. 4.a.3 is amended:

3. If the facility is proposed to be located in a residential zone district as identified in Section 35-202, or within the minimum distances specified in subsection 2) above, the Planning Commission, in order to approve a conditional use permit, must also find that the area proposed to be served by the telecommunications facility would otherwise not be served.

Page B-17, Section 35-292h.4, Additional Development Standards for Telecommunication Facilities, No. 1.j.5, last sentence is amended:

- 5 The vegetation that exists when the project is approved shall not be altered after project completion in any manner that would increase the visibility of the facility and associated access roads, power lines and telephone lines ~~except as necessary to provide the radio signal from the approved facility.~~

Page B-19, Section 35-292h.5, Project Installation and Post Installation Provisions, No. 1 is amended:

1. Installation. No telecommunication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public safety. No telecommunication facility or combination of facilities shall produce at any time power densities ~~in any inhabited area as defined in Sec. 35-209~~ that exceed the FCC Maximum Permissible Exposure Limit for human exposure or any legally binding, more restrictive standard subsequently adopted by the federal government.

Page B-20, No. 1.a, last sentence is amended:

- a. Initial compliance with this requirement shall be demonstrated for all commercial telecommunication facilities through submission, at the time of application for the necessary permit or other entitlement, of non-ionizing electromagnetic radiation (NIER) calculations specifying NIER levels ~~in the inhabited areas.~~

Page B-24, Section 35-292h.6, Noticing, No. 1 is amended:

1. Notice of a land use permit approved pursuant to Sec. 35-292h.3.1 shall be provided in accordance with Sec. 35-326.3 (Land Use Permit Noticing). In addition, a copy of the approved land use permit shall be mailed, at least ten calendar days prior to the date that the land use permit is to be issued, to property owners and residents within 300 feet ~~and residents within 100 feet~~ of the exterior boundaries of the parcel that the project is located on and to any person who has filed a written request to Planning and Development.

Page B-24, No. 2.a is amended:

- a. Notice shall be mailed to property owners and residents within 300 feet ~~and residents within 100 feet~~ of the exterior boundaries of the parcel that the project is located on and to any person who has filed a written request to Planning and Development.

Page B-24, No. 3 is amended:

3. Notice of projects that require a conditional use permit shall be provided in a manner consistent with the requirements of Sec. 35-326 (Noticing) and shall include mailed notice to ~~the owners of property located~~ property owners and residents within 300 feet of the exterior boundaries of the parcel that the project is located on and to any person who has filed a written request with Planning and Development.

Page B-24, No. 4 is amended:

4. If the project is located in a residential zone district or within 1000 feet of residentially zoned property, and the project includes a new freestanding antenna that is visible from the surrounding area, then, in addition to the noticing required above, notice shall be mailed to property owners and residents within 1000 feet ~~and residents within 300 feet~~ of the exterior boundaries of the facility lease area that the project is located on.

Page B-29, Section 35-292i.5, Noticing, is amended:

1. Notice of a Land Use Permit approved pursuant to Sec. 35-292i.3.1 shall be provided in accordance with Sec. 35-326.3. (Land Use Permit Noticing). In addition, if the height of the antenna and associated support structure exceeds 50 feet, a copy of the approved Land Use Permit shall be mailed, at least ten calendar days prior to the date on which the Land Use Permit is to be issued, to property owners within 400 300 feet of the exterior boundaries of the parcel that the project is located on and to any person who has filed a written request to Planning and Development.
2. Notice of the pending decision of the Director on a development plan pursuant to Sec. 35-292i.3.2 shall be provided pursuant to Sec. 35-326 except that:
 - a. Notice shall be mailed to property owners and residents within 300 feet of the exterior boundaries of the parcel that the project is located on and to any person who has filed a written request with Planning and Development.
 - b. The notice shall provide the date that the Director will take action on the Development Plan.
 - c. The notice shall provide a statement that the person to whom the notice was mailed may request a public hearing on the proposed development plan by submitting a written request to Planning and Development within ten calendar days of such notice. If a written request for a hearing is submitted to Planning and Development within ten calendar days of such notice the

project shall be processed as a development plan under the jurisdiction of the Zoning Administrator.

Sincerely,

Rita Bright
Secretary to the Planning Commission

cc: Case File: 01-OA-005, 01-OA-006, 01-OA-007
Planning Commission File
Lisa Martin, Planning Technician
Commissioner Needham, First District
Commissioner Farr, Second District
Commissioner Tillman, Third District
Commissioner Valencia, Fourth District
Commissioner Oberdeck, Fifth District
David Allen, Deputy County Counsel
Noel Langle, Management Specialist
Luis Perez, Energy Specialist
Barbara Phillips, North County Reference Binder

Attachments: Planning Commission Resolution No. 02-1

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RESOLUTION OF THE SANTA BARBARA COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING)
AMENDMENTS TO THE SANTA BARBARA)
COUNTY COASTAL ZONING ORDINANCE,) RESOLUTION NO. 02-1
ARTICLE II OF CHAPTER 35 OF THE) CASE NO.: 01-OA-005
SANTA BARBARA COUNTY CODE TO)
CLARIFY AND REVISE CERTAIN PERMIT)
PROCESSES AND ZONING TEXT)
PROVISIONS)
_____)

WITH REFERENCE TO THE FOLLOWING:

- A. On January 7, 1980, by Resolution NO. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Plan; and
- B. On July 19, 1982, by Ordinance 3312, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and
- C. The Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County to recommend that the Board of Supervisors amend the text of the Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code, as follows:

01-OA-005: Amend Article II of Chapter 35 of the Santa Barbara County Code, as follows:

- 1. Amend **Section 35-52, Zoning District Designations and Applicability**, to identify the Mobile Home Park zone district as a residential district;

2. Amend **Section 35-58. Definitions**, to define Amateur Radio Station, Inhabited Area, Non-Ionizing Electromagnetic Radiation, Scenic Highway Corridor, Substantially Visible, Telecommunication Facility - Collocated, Telecommunication Facility - Commercial, Telecommunication Facility - Height, Telecommunication Facility - Multiple User, Telecommunication Facility - Non-Commercial, Telecommunication Facility - Tenant Improvement, Telecommunication Facility - Wireless, Telecommunication Site, Collocated Tower, Tower, Lattice Tower, Monopole; to amend the existing definitions of Antenna and Antenna Support Structure; and to delete the existing definitions of Collocated Communication facility, Collocated Communication Site, Lattice Tower, Master Television Antenna, Monopole, and Wireless Communication Facility;
3. Amend **Section 35-127. Height**, to clarify uses allowed in architectural projections and allow the antenna height to exceed the height limit when mounted in or on an existing building that exceeds the height limit provided the top of the antenna does not extend beyond the top of the existing wall; and to allow amateur radio operators to exceed the height when necessary to meet the operational needs of the operator;
4. Amend **Section 35-144F., Communication Facilities**, **repeals** the existing section and replaces it with a new section titled Commercial Telecommunication Facilities that will govern the siting and development of telecommunication facilities, including continuing the existing four tier permit process and amending the development standards for wireless telecommunication facilities.
5. Add **Section 35-144G., Non-commercial Telecommunication Facilities** that will govern the siting and development of non-commercial telecommunication facilities

Said ordinance (Case Number 01-OA-005) is attached hereto as Exhibit A and is incorporated herein by reference.

E. The proposed amendments are consistent with the Coastal Act of 1976, the Santa Barbara County Coastal Plan, and the requirements of the State Planning and Zoning Laws.

F. The proposed amendments are in the interest of the general community welfare, since they will clarify and streamline the development permit process without compromising community values, environmental quality, or the public health and safety.

G. This Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code, on the proposed amendments, at which hearing the amendments were explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. Pursuant to the amendment initiation provisions of Article II, Section 35-180.3.4, the changes described have been initiated by the Director of Planning and Development as amendments to the Santa Barbara County Coastal Zoning Ordinance text (Article II).
3. Pursuant to the provisions of Section 65855 of the Government Code, this Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this Commission.
4. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
5. The Chair of this Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to show the above mentioned action by the Planning Commission.

PASSED, APPROVED AND ADOPTED this 16th day of January, 2002

by the following vote:

AYES: Robert J. Needham, Doreen Farr, Joe H. Valencia, Charles E. Oberdeck

NOES:
ABSTAIN: Jon Tillman
ABSENT:

ATTEST:

Rita Bright
Secretary to the Commission

Joseph Valencia
Chair of the Commission

APPROVED AS TO FORM:

STEPHEN SHANE STARK
COUNTY COUNSEL

By _____
Deputy County Counsel

EXHIBITS:

A. Proposed Ordinance - Article II (01-OA-005)

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